

House Bill 1066 (AS PASSED HOUSE AND SENATE)

By: Representatives England of the 108th, Walker of the 107th, Neal of the 1st, Benton of the 31st, and Mills of the 25th

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts relative to regulation of alcoholic beverages generally, so as to prohibit certain conduct regarding vaporized forms of alcoholic beverages produced by alcohol vaporizing devices; to prohibit owning or possessing alcohol vaporizing devices; to define certain terms; to provide for exceptions; to provide punishments for violations; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to prohibited acts relative to regulation of alcoholic beverages generally, is amended by adding a new Code section to read as follows:

"3-3-33.

(a) As used in this Code section, the term:

(1) 'Alcohol vaporizing device' means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

(2) 'Licensed premises' means any premises in which alcoholic beverages are sold or dispensed for consumption on the premises and shall include any premises which are required by law to be licensed to sell or dispense alcoholic beverages for consumption on the premises.

(3) 'Operator' means an owner, license holder, operator, manager, or person in charge of any licensed premises.

(b)(1) No person shall purchase, offer for sale or use, sell, or use any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device. This paragraph shall not apply to a product that contains alcohol as otherwise lawfully prescribed by a health care practitioner who is licensed under Title 43.

1 (2) No person shall own or possess any alcohol vaporizing device, including but not
2 limited to any machine known as an Alcohol Without Liquid (AWOL) machine. This
3 paragraph shall not apply to any nebulizer or atomizer used to supply a product that
4 contains alcohol as otherwise lawfully prescribed by a health care practitioner who is
5 licensed under Title 43.

6 (c) No operator shall keep or allow to be kept on the licensed premises thereof any
7 vaporized form of an alcoholic beverage produced by an alcohol vaporizing device.

8 (d) Any person convicted of a violation of this Code section shall be guilty of a
9 misdemeanor. Any person convicted of a violation of this Code section involving the offer
10 for sale or use to a person under the age of 21 shall be guilty of a misdemeanor, except that
11 upon the second or subsequent conviction such person so convicted shall be guilty of a
12 misdemeanor of a high and aggravated nature."

13 **SECTION 2.**

14 All laws and parts of laws in conflict with this Act are repealed.